

# School District Redistricting Commission

## Frequently Asked Questions About Elections

(May 8, 2008)

### **Disclaimer: Not Legal Advice or Attorney-Client Relationship**

The material contained in this document is for informational purposes only. The information is not intended to be and should not be considered legal advice. Transmission of the information is not intended to create, and does not create an attorney-client relationship. School districts, local governing boards, and superintendents should consult their own legal advisors for further information and advice.

### **County Superintendent Obligations**

1. What are the obligations of the county superintendents regarding elections?
  - a. The County School Superintendent is required to call the election and prepare the publicity pamphlet. They must also submit a copy of the publicity pamphlet to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

### **Ballot Language**

2. Who prepares the ballot language?
  - a. In subdivision and consolidation elections, the statutes specifically prescribe the County School Superintendent to prepare the ballots. See ARS Section 15-459, Subsection E. It is not clear if this requirement applies to elections pursuant to Laws 2005, chapter 191. However, it would be reasonable for the County School Superintendent to prepare this language.
3. Where do the County Superintendents send the ballot language?
  - a. In budget override elections, the statutes specifically prescribe the County School Superintendent to submit the sample ballot language to the governing board of the school district. See ARS Section 15-481, Subsection B. In subdivision and consolidation elections, the statutes do not require sample ballot language to be sent to the governing boards. See ARS Section 15-459, Subsection E. It is not clear if either of these requirements apply to elections pursuant to Laws 2005, chapter 191. Therefore, it would be reasonable for the County School Superintendent to submit sample ballot language to the County Attorney for final review. After receiving approval from the County Attorney, it would also be reasonable to forward this language to the County Election office for preparation of ballots.
4. What language will appear on the ballot?
  - a. Laws 2005, chapter 191 requires specific language to appear in the election ballot based on how the proposed unified district is established.

5. What ballot language applies to a district unifying only with itself?
  - a. If the election is to create a unified district *under the current boundaries of a common or high school district*, the election ballot shall contain the following language:
    - i. Do you support the unification of the (insert name of school district affected), a political subdivision of the state of Arizona, to become a unified school district to provide instruction in preschool programs for pupils with disabilities and in kindergarten and grades one through twelve? Yes ( ) No ( )  
 A yes vote shall have the effect of approving the unification of the (name of proposed unified school district).  
 A no vote shall have the effect of denying the unification of the (name of proposed unified school district).
  - b. This language applies to the following districts:
    - i. Cochise County
      1. District B: Palominas Elementary District
        - a. Cochise County Unified School District B
    - ii. Pima County
      1. District A: Altar Valley Elementary District
        - a. Pima County Unified School District A
    - iii. Pinal County
      1. District A: Oracle Elementary District
        - a. Pinal County Unified School District A
6. What ballot language applies to districts unifying more than one district?
  - a. If the election is to create a unified district *that does not follow current boundaries of a common or high school district or if the unification is for more than one district affected*, the election ballot shall contain the following language:
    - i. Do you support the unification of the (insert names of school districts affected) as political subdivisions of the state of Arizona, to become a unified school district to provide instruction in preschool programs for pupils with disabilities and in kindergarten and grades one through twelve? Yes ( ) No ( )  
 A yes vote shall have the effect of approving the unification of the (insert names of school districts affected) into the (name of proposed unified school district).  
 A no vote shall have the effect of denying the unification of the (insert names of school districts affected) into the (name of proposed unified school district).
  - b. This language applies to the following districts:
    - i. Cochise County
      1. District A: Ash Creek Elementary District, Double Adobe Elementary District, Elfrida Elementary District, McNeal Elementary District, Pearce Elementary District, Rucker Elementary District, and Valley Union High School District
        - a. Cochise County Unified School District A
    - ii. Maricopa County—Central

1. District A: Alhambra Elementary, Balsz Elementary, Cartwright Elementary, Creighton Elementary, Isaac Elementary, Laveen Elementary, Madison Elementary, Murphy Elementary, Osborn Elementary, Phoenix Elementary, Riverside Elementary, Roosevelt Elementary, Wilson Elementary, and Phoenix Union High School District
      - a. Maricopa County—Central Unified School District A
    - iii. Maricopa County—East Valley
      1. District A: Kyrene Elementary District, Tempe Elementary District, and Tempe Union High School District
        - a. Maricopa County—East Valley Unified School District A
    - iv. Maricopa County—North Central
      1. District A: Glendale Elementary District, Washington Elementary District, and Glendale Union High School District
        - a. Maricopa County—North Central Unified School District A
    - v. Maricopa County—West Valley
      1. District A: Arlington Elementary District, Buckeye Elementary District, Liberty Elementary District, Palo Verde Elementary District, and Buckeye Union High School District
        - a. Maricopa County—West Valley Unified School District A
      2. District B: Fowler Elementary District, Littleton Elementary District, Pendergast Elementary District, Tolleson Elementary District, Union Elementary District, and Tolleson Union High School District
        - a. Maricopa County—West Valley Unified School District B
      3. District C: Avondale Elementary District, Litchfield Elementary District, and Agua Fria Union High School District
        - a. Maricopa County—West Valley Unified School District C
    - vi. Yavapai County
      1. District B: Hillside Elementary District, Kirkland Elementary District, Skull Valley Elementary District, and Yarnell Elementary District
        - a. Yavapai County Unified School District B
    - c. Each proposed District will receive one question on the ballot (i.e. in Maricopa County—West Valley, District A will receive one ballot question in its respective voting area, etc.)
  7. What ballot language applies to districts that must subdivide high school districts in order to unify into new districts?
    - a. Laws 2005, chapter 191 does not specify ballot language for subdivision of school districts. Two elections will be held simultaneously, one to subdivide the high school district and one to adopt the unified district.
    - b. If the election is to *subdivide a high school district*, the election ballot may contain the following language:

- i. Should (insert name of high school district affected) be subdivided with boundaries identical to the boundaries of (insert name(s) of common school district(s) affected) to become *political subdivision(s)* of the state of Arizona? Yes ( ) No ( )  
 A yes vote shall have the effect of approving the subdivision of the (insert name of high school district affected) to adopt boundaries identical to the boundaries of (insert name(s) of common school district(s) affected).  
 A no vote shall have the effect of denying the subdivision of the (insert name of high school district affected) to adopt boundaries identical to the boundaries of (insert name(s) of common school district(s) affected).
- c. This language applies to the following districts:
  - i. La Paz County
    1. Bicentennial Union High School District; Bouse Elementary District, Quartzsite Elementary District, Salome Consolidated Elementary District, and Wenden Elementary District
  - ii. Mohave County
    1. Colorado River Union High School District; Bullhead City Elementary District, Mohave Valley Elementary District, and Topock Elementary District
  - iii. Pinal County
    1. Casa Grande Union High School District; Casa Grande Elementary District, Sacaton Elementary District, Stanfield Elementary District, and Toltec Elementary District
    2. Santa Cruz Valley Union High School District; Eloy Elementary District, Picacho Elementary District, and Red Rock Elementary District
  - iv. Santa Cruz County
    1. Patagonia Union High School District; Patagonia Elementary District and Sonoita Elementary District
  - v. Yavapai County
    1. Mingus Union High School District; Clarkdale-Jerome Elementary District, and Cottonwood-Oak Creek Elementary District
  - vi. Yuma County
    1. Antelope Union High School District; Hyder Elementary District, Mohawk Valley Elementary District, and Wellton Elementary District
    2. Yuma Union High School District; Crane Elementary District, Gadsden Elementary District, Somerton Elementary District, and Yuma Elementary District
- d. If the election is to *create a unified district of the subdivided portion(s) of a high school district with one or more common school districts*, the election ballot shall contain the following language:
  - i. Do you support the unification of the subdivided *portion(s)* of the (insert name of high school district) with boundaries identical to the boundaries of the (insert name(s) of common school district(s) affected) to create one unified school district, as a political subdivision of the state of Arizona, to

provide instruction in preschool programs for pupils with disabilities and in kindergarten and grades one through twelve? Yes ( ) No ( )

A yes vote shall have the effect of approving the unification of the subdivided portion of the (insert name of high school district) with boundaries identical to the boundaries of (insert *name(s)* of common school district(s) affected) to create one unified school district into the (name of proposed unified school district).

A no vote shall have the effect of denying the unification of the subdivided portion of the (insert name of high school district) with boundaries identical to the boundaries of (insert *name(s)* of common school district(s) affected) to create one unified school district into the (name of proposed unified school district).

- e. This language applies to the following proposed unified school districts:
  - i. La Paz County
    - 1. District A: Bicentennial Union High School District; Salome Consolidated Elementary District and Wenden Elementary District
      - a. La Paz County Unified School District A
  - ii. Mohave County
    - 1. District A: Colorado River Union High School District; Bullhead City Elementary District
      - a. Mohave County Unified School District A
    - 2. District B: Colorado River Union High School District; Mohave Valley Elementary District
      - a. Mohave County Unified School District B
  - iii. Pinal County
    - 1. District B: Casa Grande Union High School District; Casa Grande Elementary District
      - a. Pinal County Unified School District B
    - 2. District C: Santa Cruz Valley Union High School District; Eloy Elementary District
      - a. Pinal County Unified School District C
    - 3. District D: Casa Grande Union High School District; Stanfield Elementary District
      - a. Pinal County Unified School District D
    - 4. District E: Casa Grande Union High School District; Toltec Elementary District
      - a. Pinal County Unified School District E
    - 5. District F: Santa Cruz Valley Union High School District; Picacho Elementary District
      - a. Pinal County Unified School District F
    - 6. District G: Santa Cruz Valley Union High School District; Red Rock Elementary District
      - a. Pinal County Unified School District G
  - iv. Santa Cruz County
    - 1. District A: Patagonia Union High School District; Patagonia Elementary District

- a. Santa Cruz County Unified School District A
  - v. Yavapai County
    - 1. District A: Mingus Union High School District; Cottonwood-Oak Creek Elementary District
      - a. Yavapai County Unified School District A
  - vi. Yuma County
    - 1. District A: Antelope Union High School District; Mohawk Valley Elementary District and Wellton Elementary District
      - a. Yuma County Unified School District A
    - 2. District B: Yuma Union High School District; Yuma Elementary District
      - a. Yuma County Unified School District B
    - 3. District C: Yuma Union High School District; Crane Elementary District and Somerton Elementary District
      - a. Yuma County Unified School District C
    - 4. District D: Yuma Union High School District; Gadsden Elementary District
      - a. Yuma County Unified School District D
  - f. Santa Cruz County Unified School District B will have slightly different ballot language for the second question. It will appear as follows:
    - i. Do you support the unification of the Empire Elementary District (Pima County), Sonoita Elementary District, and subdivided portion of the Patagonia Union High School District with boundaries identical to the boundaries of the Sonoita Elementary District to create one unified school district, as a political subdivision of the state of Arizona, to provide instruction in preschool programs for pupils with disabilities and in kindergarten and grades one through twelve? Yes ( ) No ( )
 

A yes vote shall have the effect of approving the unification of the Empire Elementary District (Pima County), Sonoita Elementary District, and subdivided portion of the Patagonia Union High School District with boundaries identical to the boundaries of the Sonoita Elementary District to create one unified school district into the Santa Cruz County Unified School District B.

A no vote shall have the effect of denying the unification of the Empire Elementary District (Pima County), Sonoita Elementary District, and subdivided portion of the Patagonia Union High School District with boundaries identical to the boundaries of the Sonoita Elementary District to create one unified school district into the Santa Cruz County Unified School District B.
- 8. How will this language appear on the ballot?
  - a. The officer in charge of elections has the authority to alter the full text of each measure or question on the official ballot. See ARS Section 19-125, Subsection E. This means that the county elections office may shorten the ballot language as applicable to law. The ballot language will also appear in both English and Spanish.

9. Who determines the *name of the proposed unified school district* that appears in some of the ballot language?
  - a. The law does not address who determines the name of the proposed unified school district. The Commission named many plans by county and district. It would be reasonable to temporarily name these districts by using their county name and district letter as the proposed name. For example, in Santa Cruz County, District A: Patagonia Union High School District and Patagonia Elementary District, the temporary name of this proposed unified school district could be Santa Cruz County Unified School District A.
10. Can the ballot language be adjusted to comply with ADA requirements?
  - a. State election law is subject to a number of federal and state statutory requirements. If necessary, the officer in charge of elections will modify the ballot language to adhere to these requirements.
11. Is there a separate question on the ballot for each district included in the proposed unified district?
  - a. No. Each proposed unified district receives one ballot question (or two ballot questions if the high school district is being subdivided). All qualified voters within the boundaries of the proposed unified district will receive the same ballot question (or questions). See Laws 2005, Chapter 191, Section 4, Subsection A.

### **Publicity Pamphlets**

12. Who prepares the publicity pamphlet?
  - a. The County School Superintendent is required to prepare the publicity pamphlet.
13. What goes in the pamphlet?
  - a. The publicity pamphlet shall contain *a complete description of the unification plan*. See Laws 2005, Chapter 191, Section 4, Subsection A. Each county's plan contains three pages from Appendix 1—Attachment A: 1) A map with proposed unified district boundaries; 2) A flow chart depicting the current non-unified districts and how the districts would unify if voters approve the plan; and, 3) Facts specific to each district—including Average Daily Membership (ADM), special education, teacher experience index, maintenance and operations, average teacher salaries, demographic breakdowns, and other details.
  - b. The publicity pamphlet shall contain *the factors considered by the commission*. See Laws 2005, Chapter 191, Section 4, Subsection A. Some of these factors include the following: estimated adjustment of both the primary and secondary tax rates, application of a career ladder program, estimated potential savings as a result of unification, and potential impact on facilities. See Laws 2005, Chapter 191, Section 3, Subsection F for a complete list of factors considered by the commission.
  - c. The publicity pamphlet shall include *any arguments in favor or in opposition of the plan*. These arguments may be submitted by members of the governing boards of the affected school districts and/or by any elector who wishes to submit an argument.
14. Is there a word-limit for the length of arguments in favor or in opposition of the plans?
  - a. In publicity pamphlets for override elections, the statutes specifically require the County School Superintendent to prescribe a format and a two hundred word limit

for arguments in favor or in opposition of the plans. See ARS Section 15-481, Subsection B.9. It is not clear if this requirement applies to elections pursuant to Laws 2005, chapter 191. However, it would be reasonable for the County School Superintendent to impose such a requirement.

15. Does the publicity pamphlet need to contain **all** arguments in favor or in opposition of the plan?
  - a. The publicity pamphlet must contain **all** the arguments in favor of or opposed to the plan that are submitted by members of the governing board or by electors of the affected school districts. See Laws 2005, Chapter 191, Section 4.
16. What if the arguments in favor or in opposition of the plan contain inaccurate information?
  - a. In override elections, the County Superintendent shall review all factual statements in the written arguments and correct any inaccurate statements of fact. Written arguments identified as statements of the author's opinion shall not be reviewed and corrected. See ARS Section 15-481, Subsection B.9. It is not clear if this requirement applies to elections pursuant to Laws 2005, chapter 191. However, it would be reasonable for the County School Superintendent to impose such requirements.
17. When do arguments in favor or in opposition of the plan need to be submitted?
  - a. In override elections, the deadline for submitting arguments to be included in the informational report shall be set by the county school superintendent. See ARS Section 15-481, Subsection B.9. It is not clear if this requirement applies to elections pursuant to Laws 2005, chapter 191. However, it would be reasonable for the County School Superintendent to impose such requirements.
18. When does the publicity pamphlet need to be submitted to the voters?
  - a. The County Superintendent shall submit a publicity pamphlet to all registered voters in the affected districts no later than thirty-five days before the election. See Laws 2005, chapter 191.
19. Who receives the publicity pamphlet?
  - a. All qualified voters within the boundaries of the proposed unified district will receive the same publicity pamphlet. See Laws 2005, Chapter 191, Section 4, Subsection A. The publicity pamphlet may include the same question or questions that will appear on the proposed unified district's ballot. The County School Superintendent shall also submit the publicity pamphlet to the Governor, the President of the Senate and the Speaker of the House of Representatives.
20. Does the publicity pamphlet need to follow the exact formatting of documents as contained in the Final Report to the Governor?
  - a. Laws 2005, Chapter 191 provides a general description of what information needs to be included in the publicity pamphlet. There are various ways to implement these provisions. Any reasonable effort at compliance of these requirements will probably be acceptable.

### **School District Boundaries**

21. Do school district boundaries change when precinct boundaries change?



- a. No. School district boundaries are only formed when the district is originally created and when changes are deemed necessary by the local governing board. See ARS Section 15-442, Subsection B.

### **Elections Costs**

22. Who pays for the costs of the election?

- a. The cost of the election shall be paid by each affected school district in proportion to each district's registered voters to the total registered voters within the proposed unified district's boundary.

### **Elections Timelines**

23. What is the timeline of deadlines for SDRC elections?

- a. Thirty-five days before the election the County School Superintendent shall prepare and submit a publicity pamphlet to all registered voters in the affected districts. See Laws 2005, Chapter 191. The County School Superintendent will need to contact their county elections office to learn about other important dates regarding elections.

### **Elections Guidelines**

24. What can school employees do to participate in campaigns in favor or in opposition of the plans without violating state election laws?

- a. An article that appeared in the Casa Grande Dispatch on March 14, 2008, written by Susan Randall, gave guidelines from Chris Thomas, director of legal services for the Arizona School Boards Association, regarding what school employees can and cannot do regarding the upcoming election. "Thomas said violations are punishable with fines of as much as \$500 per violation plus the cost of prosecution and the cost of the misused district funds, if any. And they cannot be reimbursed by district insurance.
- b. Not OK
  - i. No school copiers, paper, pens, media equipment, Web sites, buildings, property or school personnel can be used to influence an election.
  - ii. No school mailboxes, e-mail or phones can be used - even if the school normally allows some personal use.
  - iii. No campaign signs, banners or stickers on school district buildings or vehicles.
  - iv. No political buttons on school employees at school or board members at a board meeting.
  - v. No campaign funds collected on school property.
  - vi. No campaign materials sent home with students.
  - vii. No pressuring employees to take part in a campaign, even on their own time.
  - viii. No paying employees for time spent on campaign activities.
  - ix. No board resolutions in favor of a ballot measure.
  - x. No paying political consultants for advice on how to pass a measure.
  - xi. No advocating for or against a ballot measure in a school building except at a public forum.

- xii. And if a parent/teacher organization or teacher association meeting is held on school premises and the discussion is meant to influence the election, the organization must pay full value for any resources used (including rent and utilities).

c. OK

- i. Boards can distribute factual information, such as the financial effects of a ballot measure.
- ii. They can write an argument for or against a ballot proposition to be included with the information provided by the County Superintendent of schools before the election.
- iii. They can make public records - like the comments the school districts made on the commission's plan for western Pinal County - widely available.
- iv. They may answer questions in a neutral way, with no pleas to vote one way or another.
- v. Ballot question forums can be held on school grounds, but all viewpoints must be represented and fairly treated.
- vi. Individual board members can campaign for election issues, including meeting with civic organizations or writing opinion pieces for the newspaper. It is a good idea to explain that they are acting as individuals, not as school board members.
- vii. School employees can do the same during off-duty time. They are strongly urged to state they are not acting for the district.
- viii. Bumper stickers on private vehicles are OK.
- ix. Employees, acting as individuals, can circulate petitions outside the classroom or at extracurricular events where they have no duties and the public is invited (like a football game).
- x. School employees can urge staff, board members and the public to vote without urging a particular vote.
- xi. Voter registration materials can be made available.”
  - 1. Randall, Susan. "School Plan Divides 2 Into 7." Casa Grande Dispatch 14 March 2008, 1A+.

*Sources of information for this document include the Arizona Department of Education, Legislative Council, and members of the School District Redistricting Commission.*

(Additional questions and answers will be added to this document as necessary.)

**<http://www.ade.az.gov/sdrc/>**